IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 3103 of 2001

Between:
B.Rachanna S/o.late Basanna
Gudekal Village Yemmiganur Mandal
Kurnool Dist

..... PETITIONER

AND

1 The Commissiopner of Endowments Govt. of Andhra Pradesh, Hyderabad
2 The Deputy Commissioner of Endowments Kurnool
3 The Asst. Commissioner of Endowments Kurnool
4 B.Vinod Babu S/o.B.Basanna
Gudekal Village Yemmiganur Mandal
Kurnool Dist
5 B.Siva Ramappa S/o.B.Basanna
Commission Agent Maratwadi Street
Adoni, Kurnool Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of mandamus direction and declaring the action of the respondents 1 to 3 herein in not taking action against the respondents 4 and 5 herein in pursuance of our representation is highly illegal, arbitrary and violation of Art.14 and 19(1)(g) of the Constitution of India and restraining the respondents 4 and 5 herein from disposing of the landed property belonging to Lord Veera Bhadra Swamy Temple, Gudekal Village, Yemmiganur Mandal, Kurnool District and pass such other order.

Counsel for the Petitioner:MR.B.PURUSHOTHAM REDDY

Counsel for the Respondents 1 to 3: The Government Pleader for Endowments.

Counsel for Respondents 4 and 5: Mr.Venkateswara Rao Gudapati.

The Court made the following Order:

In this writ petition, petitioner assails the inaction of respondents 1 and 3 in preventing respondents 4 and 5 from alienating the lands in an extent of Ac.36.00 in Survey No.72-A and 72-B of Gudekal village belonging to Lord Veera Bhadra Swamy Temple.

It is the case of the petitioner that his ancestors created an endowment of the land in an extent of Ac.36.00 in Survey No.72-A and 72-B of Gudekal village in favour of Lord Veerabhadra Swamy and after the death of his father, the petitioner is looking after the land. Taking undue advantage of the confidence, respondents 4 and 5, who are entrusted the maintenance of the temple, are trying to dispose of the land. In view of the same, the petitioner made a representation to respondents 1 to 3, but no action has been taken. Hence, the present writ petition.

Third respondent-Assistant Commissioner of Endowments, Kurnool filed a counter-affidavit stating that the fourth respondent was appointed as hereditary trustee to the subject-temple as per the proceedings dated 07-12-1990. On receipt of the representation of the petitioner dated 07-04-2000, the Commissioner, Endowments, Hyderabad, instructed the Inspector of Endowments to make a thorough enquiry into the matter and to submit a detailed report. A report was submitted on 15-07-2000 stating that the Chairman has not alienated any land, but

the land was leased out. The then Assistant Commissioner in his proceedings dated 28-09-2000 called for a detailed report about the selling of the lands by the Chairman of the temple, for which the Executive Officer of the temple through his letter dated 12-01-2000 reported that the Chairman of the Temple has not sold any land in Sy.No.72-A, but he sold the land in an extent of Ac.0.55 cents in Survey No.63-B to E.Thimmappa son of Lakshmanna of Gudikal village on 19-06-2000 and due to non-thorough enquiry by the Inspector of Endowments, Adoni, action has been initiated and he was placed under suspension. The then Assistant Commissioner of Endowments has also addressed a letter to the Sub-Registrar-Yemmignur dated 21-01-2002 stating that the sale done by the fourth respondent in favour of E.Thimmappa of Gudikal village is illegal. It is also denied that the third respondent has entered into agreement with the fourth respondent for temple land. The petitioner filed O.S.No. 25 of 2000 on the file of the Senior Civil Judge, Adoni seeking to restrain respondents 4 and 5 from alienating the land, belonging to the temple and the same is pending. It is stated that the fourth respondent has undertaken that he will not alienate the suit schedule property.

Having regard to the fact that the action has already been initiated on the representation made by the petitioner, the official respondents are directed to take all necessary steps and see that no more lands of the petitioner-temple are sold without following due procedure. Third respondent is at liberty to proceed for cancellation of the sale deed after following due procedure.

The writ petition is accordingly disposed of. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

1 The Commissiopner of Endowments Govt. of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner of Endowments Kurnool.
3 The Asst. Commissioner of Endowments Kurnool.
4. Two C.Cs. to the Government Pleader for Endowments, High Court of Andhra Pradesh, Hyderabad (OUT)
5. Two C.D. Copies.